

REMARKS/ARGUMENTS

Reconsideration of the prior art rejections is respectfully requested.

Claim 1 has been amended to distinguish Casey. The barrier of the subject invention is a portable barrier. In addition, the barrier of the subject invention does not require additional mass to function as a barrier. These features make the barrier of the subject invention quite different from that of Casey. Specifically, the Casey barrier is a permanent barrier that requires a concrete infill in order to provide a required mass to function as a barrier. This is evident from the following passages in column 1, lines 31-36 and 61-65 of Casey:

“The invention comprises a number of spaced apart inline vertical I-beam sections embedded in a road between lanes of traffic going in opposite directions, and a number of other structural elements secured to and carried by these vertical posts, which all together with poured concrete from the barrier structure. ...

With the structure just described in an assembled condition, concrete is poured down through the open top of the structure so as to completely fill the inside faces of the side panels which act as a form for the concrete being poured, and which side panels are bonded to the concrete and remain as a permanent part of the barrier structure.”

In summary, the Casey barrier is a permanent in-situ barrier that includes: (a) a concrete strip formed in a road bed; (b) a series of vertically extending I-beams embedded in the concrete strip; (c) a steel structure that provides a form work for a concrete infill; and (d) concrete infill.

Casey does not teach or suggest a lightweight, portable roadway barrier wherein the weight of the barrier is less than 200 kg per meter of length of the barrier, and wherein the barrier is a stand alone barrier in that it does not require additional mass to function as a barrier. Regarding now-cancelled claim 8, which specified that the weight of the barrier is less than 200 kg per meter of length of the barrier, the Examiner stated that it would be obvious to one skilled in the art that the

barrier could be partially or completely filled with concrete in order to vary the weight of the barrier. Applicant disagrees.

There is no suggestion in Casey, or in the other cited references, to make a lightweight, portable barrier having the specified weight per length. Casey teaches that a barrier should be heavier. The Examiner has not shown why a person skilled in the art would think otherwise. Casey says its barrier should be filled with concrete. Why would a person skilled in the art not do that?

In rejecting claim 8, the Examiner referred to column 3, lines 15-50 of Casey. Applicant does not understand this reference. This language of Casey is only talking about preventing concrete from flowing out of the holes at the end of the barrier. There is no suggestion that one should not fill the barrier with concrete.

In view of the foregoing, amended claim 1 and dependent claims 2-7 and 9-21 are allowable.

Respectfully submitted,

/david r. price/

David R. Price
Reg. No. 31,557

Docket No.: 022862-1110
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560